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| 10/679,373      | 10/07/2003  | James G. Douvikas    | 10992821-3          | 4243             |

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| EXAMINER |
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AVELLINO, JOSEPH E

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| ART UNIT | PAPER NUMBER |
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2143

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/679,373

Applicant(s)

DOUVIKAS ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/18/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 38-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 38-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1, and 38-60 are presented for examination; claims 1, 45, and 53 independent. The Office acknowledges the cancellation of claims 61-68.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-64 of patent 6,889,213 recite each and every limitation of claims 1, and 38-60 of the instant application and as such anticipate claims 1, and 38-60.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 and 38-60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1 and 38-60 include the limitation of modifying a validity time period of temporary location information, however this is not recited in the disclosure. Applicant does disclose an expiration date, wherein the data is no longer valid (p. 12), however this is considered different than a validity time period. Correction is required. For examination purposes, this limitation will be construed as having an expiration date which defines a date wherein the data is invalid.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 38, 39, 45-47, and 53-55, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger, Jr. et al. (USPN 5,778,367) (cited by Applicant in IDS) (hereinafter Wesinger) in view of Pickering (USPN 6,076,093).

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7. Referring to claim 1, Wesinger discloses a method of providing access to a collection of electronic business cards (the Office takes the term “electronic business cards” as an entity on a computer medium which comprises information which would normally be contained on a paper business card, such as name, address, telephone number, title, etc.) comprising the steps of:

providing an electronic business card file Web site to a user, wherein the Web site includes an electronic business card file of the user (Figure 2A, 2G, 2N);

allowing the user to access the electronic business card file of the user (it is understood that the user accessing owns the card file being accessed) (col. 6, lines 20-25);

allowing the modification of temporary location information by the user in a plurality of fields (i.e. address, city, state, zip, etc.) and storing (i.e. updating) said temporary location information (Figure 2P; col. 6, lines 20-25).

Wesinger does not explicitly disclose the temporary location information includes an expiration date when the data will no longer be valid. In analogous art, Pickering discloses another real-time interactive directory which discloses the location information has an expiration time/date (i.e. John Doe will be available at a temporary number for a while; vacation temporary numbers and best times to call; the requested person is in a meeting until 3PM) (col. 5, lines 35-50; col. 6, lines 35-40; col. 7, lines 35-45). It would have been obvious to one of ordinary skill in the art to combine the teaching of Wesinger with Pickering in order to utilize the directory system of Wesinger with the features of Pickering including the ability to find, access, and use status information to

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further facilitate the interaction between users, thereby providing a fully interactive directory capable of effectively sharing information over the internet as supported by Pickering (col. 2, lines 7-15).

8. Referring to claim 38, Wesinger disclose the temporary location information includes a pre-defined set of contact locations (i.e. location fields such as address, city, state, country, email, etc.) (Figure 2P).

9. Referring to claim 39, Wesinger discloses the contact locations are identified by an address, a phone number, and email address (Figure 2P).

10. Claims 45-47, 53-55, are rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 40-44, 48-52, and 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger in view of Pickering in view of Jones (USPN 5,832,221).

12. Referring to claim 40, Wesinger in view Pickering discloses the invention substantively as described in claim 1. Wesinger in view of Pickering does not

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specifically disclose allowing a user to specify a privacy level for the temporary location information. In analogous art, Jones discloses another directory assistance for electronic business cards which discloses allowing a user to specify a privacy level for the information (i.e. attributes associated with a handle) (col. 7, lines 15-26, 38-45). It would have been obvious to one of ordinary skill in the art to combine the teaching of Jones with Pickering and Wesinger in order to provide the users of Wesinger the ability to restrict the viewing of contact information to publicly available information, thereby keeping matching entities anonymous, which increases the privacy of the user, yet keeps the information readily available to whoever the user sees fit to receive this information as supported by Jones (col. 7, lines 25-28, col. 8, lines 1-10).

13. Referring to claim 41, Wesinger in view of Pickering discloses the invention substantively as described in claim 1. Wesinger in view of Pickering does not specifically disclose the privacy level includes a private level. In analogous art, Jones discloses the privacy level includes a private level (i.e. private/secret) (col. 7, lines 15-25, 66-67). It would have been obvious to one of ordinary skill in the art to combine the teaching of Jones with Wesinger and Pickering in order to provide the users of Wesinger the ability to restrict the viewing of contact information to publicly available information, thereby keeping matching entities anonymous, which increases the privacy of the user, yet keeps the information readily available to whoever the user sees fit to receive this information as supported by Jones (col. 7, lines 25-28, col. 8, lines 1-10).

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14. Referring to claim 42, Wesinger in view of Pickering discloses the invention substantively as described in claim 1. Wesinger in view of Pickering does not specifically disclose the privacy level includes multiple level privacy capability. In analogous art, Jones discloses the privacy level includes a private level (col. 7, lines 15-25) and a "secret" level (col. 7, lines 65-66). It would have been obvious to one of ordinary skill in the art to combine the teaching of Jones with Wesinger and Pickering in order to provide the users of Wesinger the ability to restrict the viewing of contact information to publicly available information, thereby keeping matching entities anonymous, which increases the privacy of the user, yet keeps the information readily available to whoever the user sees fit to receive this information as supported by Jones (col. 7, lines 25-28, col. 8, lines 1-10).

15. Referring to claim 43, Wesinger in view of Pickering discloses the invention substantively as described in claim 1. Wesinger in view of Pickering does not specifically disclose the privacy level is specified on a user group basis. In analogous art, Jones discloses the privacy level is specified on a user group basis (i.e. either publicly available or not publicly available) (col. 7, lines 20-25). It would have been obvious to one of ordinary skill in the art to combine the teaching of Jones with Wesinger and Pickering in order to provide the users of Wesinger the ability to restrict the viewing of contact information to publicly available information, thereby keeping matching entities anonymous, which increases the privacy of the user, yet keeps the

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information readily available to whoever the user sees fit to receive this information as supported by Jones (col. 7, lines 25-28, col. 8, lines 1-10).

16. Referring to claim 44, Wesinger in view of Pickering discloses the invention substantively as described in claim 1. Wesinger in view of Pickering does not disclose a privacy level is specified for each of a plurality of fields of temporary location information. In analogous art, Jones discloses a privacy level is specified for each of a plurality of fields of temporary location information (i.e. each attribute has a privacy level) (col. 7, lines 20-25). It would have been obvious to one of ordinary skill in the art to combine the teaching of Jones with Wesinger and Pickering in order to provide the users of Wesinger the ability to restrict the viewing of contact information to publicly available information, thereby keeping matching entities anonymous, which increases the privacy of the user, yet keeps the information readily available to whoever the user sees fit to receive this information as supported by Jones (col. 7, lines 25-28, col. 8, lines 1-10).

17. Claims 48-52, and 56-60 are rejected for similar reasons as stated above.

***Response to Arguments***

18. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection presented above.

***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Again, it is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to continue to claim as broadly as possible their invention. It is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique as already shown by the rejections above. Thus, it is clear that Applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claim invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

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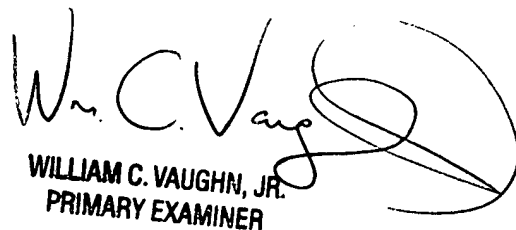
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA

January 10, 2006



WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER